

REMARKS

Claim 1 has been amended based on the following passages of the specification (page/line): 5/25; 6/4; 6/8; 7/2; 7/7; and Claim 8. Claim 8 has been incorporated into claim 1 with the term fluoroalkyl employed in part b) rather than fluoromethyl (See 6/8). The main claim encompasses devices where the compound includes a total of precisely two fluoro or perfluoroalkyl groups on the “c” ring. As supported at page 5/25, 6/19-pg 7/5; and claims 5 and 8, and in Inv 2, 5, 6, 7, and 18, the scope of the claims was intended to include precisely two fluoro or perfluoroalkyl substituents directly or indirectly on the “c” ring, provided at least one of those substituents satisfies subparagraph a) or b).

Claims 1 and 24 are objected to because of the indicated informalities and claim 24 is rejected under 35 USC 112. Claim 1 has been amended as suggested by the Examiner and claim 24 has been canceled.

Claims 1, 6, 8, 14-17, 23, 24, and 27-36 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (WO 02/100977) (note: US 2005/0079381) is an English language equivalent of the WO document). According to the Examiner:

According to the Examiner, Hamada et al. discloses organic electroluminescence devices comprising a light emitting layer of a host material, light emitting dopant and a first light-emission assisting dopant composed of a rubrene derivative (see abstract). One rubrene derivative for the light emitting layer is (C12). Further according to the Examiner, Formula “C12” satisfies limitation “b)” of claim 1.

Applicants respectfully disagree. It is noted that subparagraph b) is directed to fluoro or perfluoroalkyl groups located in any position of another aryl group. The C12 compound is one where the fluoro group is attached to a heterocyclic group rather than an aryl group. The group to which the fluoro group is attached in C12 is a benzothiazolyl group. The presence of the S and N atoms makes the group a heterocyclic group. See 6/10 which is clear in this regard, which states:

The term aryl group is intended to include only aromatic groups of one or more than one fused rings having only carbon ring members and not heteroatomic group ring members.

See also 48/30 of the specification where a benzothiazolyl is classified as a heterocyclic group. The essence of the reference is the use of a particular heterocyclic-substituted rubrene compound which is not related to the present invention which depends on fluoro or perfluoroalkyl presence.

Claims 1-19, 23, 24, and 27-36 stand rejected under 35 U.S.C. 102(e) as being anticipated by Begley et al. (US 2005/0095450).

According to the Examiner:

Begley et al. discloses OLED devices comprising a light-emitting layer containing a host and an emitting dopant (see abstract). Fluorine or fluorine-containing substituents may be contained on the phenyl rings of the "c" ring of the naphthacene skeleton as required by the claims (see par. 37-42 for example). See entire patent for disclosure of dopant amounts (see claims) and further dopants (par. 166) as required by the claims.

The Begley reference does not disclose the invention as it excludes the presence of two fluorine-containing groups in the 5 and 12 positions. The present claims are limited to a total of two fluoro or perfluoroalkyl containing substituents so there is no overlap with the claimed invention. Thus, this is not a proper 102 rejection relative to the present claims. In the event the Examiner considers a 103 rejection, Applicants offer the following Statement of Common Ownership:

STATEMENT OF COMMON OWNERSHIP

Applicants' attorney hereby represents that this application and the cited Begley reference were, at the time this the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Claims 1-17, 23, 24, and 27-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (WO 02/100977) (note: US 2005/0079381 is an English language equivalent of the WO document). According to the Examiner, Hamada et al. discloses organic electroluminescence devices comprising a light emitting layer of a host material, light emitting dopant

and a first light-emission assisting dopant composed of a rubrene derivative (see abstract). The rubrene derivative is generically described in Formula (2) and paragraph [0020] of Hamada.

It is submitted that there is no suggestion to select the substituents necessary to arrive at the present invention. Hamada requires the presence of a heterocycle. Hamada does not provide any suggestion or motivation that one can achieve improved luminance by using a particular fluoride arrangement and in the absence of a heterocycle. Moreover, there is no mention of advantageous sublimation temperatures or any other reason for using fluoro substituents. The location of the fluoride groups is shown important by the data for Com 2 of the present application. Further Com-3 appears to be within the clear teachings of Hamada but is shown to be undesirable from a sublimation temperature standpoint.

In summary, there is no motivation in Hamada to eliminate the essential component of Hamada and select the required two fluoro components to obtain any improved result. It is not dispositive that “the generic formula teaches the “R” variables may be substituents which would encompass fluoro and perfluoro substituents as claimed” since there is no reason to select the combination of substituents and locations of the present claims. The remaining rejections relying on Hamada as the primary reference are inappropriate for the same reason.

Claims 1-19 23, 24, and 27-36 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-38 of copending Application No. 10/700,894. Although the conflicting claims are not identical, they are not patentable distinct from each other because claim 3 of ‘450 discloses a rubrene skeleton that requires at least one fluorine or fluorine-containing substituent and this disclosure encompasses the rubrene derivatives claimed in the present application.

A suitable Terminal Disclaimer overcoming this rejection is enclosed.

In view of the foregoing amendments, remarks , Statement of Common Ownership, and Terminal Disclaimer, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Kluegel', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Encl: Terminal Disclaimer